

REMARKS

Claims 1-4, 7, 10-11, 15-16 and 19-21 are rejected under 35 USC §102(e)) as being anticipated by Horneman et al. (U.S. Patent 6,560,460).

In response, independent claims 1 and 21 have been amended to clarify Applicant's invention. Specifically, it has been clarified that the resource allocation is related to subscriber units other than the at least one subscriber unit. Thus, in accordance with the invention, a subscriber unit is provided with information of the resource allocation to other subscriber units. The subscriber unit thus sets a characteristic of the communication in response to received information about the resource allocation to other subscriber units.

As the Examiner mentioned in the final rejection, Horneman et al. discloses only the transmission of a "service class" or a "grade of service" to the subscriber units and it is clear that Horneman et al. does not disclose any other dynamic system information to the subscriber unit. Accordingly, the Examiner's objection is based on a consideration of the "service class" or "grade of service" corresponding to a resource allocation.

The "service class" of Horneman et al. corresponds to a selection of a service from a plurality of services such as a speech service, a data transmission service, a high rate data transmission service or a video service (Col. 2 lines 55-61). The "grade of service" corresponds to the characteristics of the individual service such as transmission speed, transmission method, error correction method, charging related to the service class and other information related to the use (col. 5 lines 62-67).

The Applicant respectfully submits that not only is there no indication or suggestion in Horneman et al. that either the "service class" or the "grade of service" comprises a resource allocation but also that these terms cannot be considered in any technical sense to correspond to a resource allocation. Furthermore, it is clear that the "service class" and the "grade of service" relates only to the (ongoing or future) service of the subscriber unit receiving the information and thus cannot conceivably correspond to a resource allocation

related to subscriber units other than the subscriber unit receiving the information.

Accordingly it is respectfully submitted that the invention of the amended claims is novel and inventive over the cited prior art. In view of the foregoing remarks, it is submitted that independent claims 1 and 21 are in condition for allowance. Applicants further submit that claims 2-20 and 22-25 are allowable at least by virtue of their dependency on claims 1 and 21, respectively. Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. Please charge any fees associated herewith, including extension of time fees, to 50-2117.

Respectfully submitted,  
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